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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,900	12/21/2001	Thomas Ronald Taylor	87355.3060	5307

7590 09/24/2003

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EXAMINER
NGUYEN, SANG H

ART UNIT	PAPER NUMBER
2877	

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)
	10/623,900	TAYLOR ET AL.
	Examiner	Art Unit
	Sang H Nguyen	2877

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *NONE*

   Claim(s) objected to: *NONE*

   Claim(s) rejected: *1-20*

   Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No.

10. ☐ Other: _____

Frank G. Font
Supervisory Patent Examiner
Technology Center 2877

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments filed on 08/22/03 have been fully considered but they are not persuasive.

a. Applicant's remark argue, in page3-4, that Hara et al does not teach "a source of ultraviolet light provide at the second end of the fiber optic cable" and "an eyepiece having an eyepiece lens". Hara et al discloses a source of ultraviolet light (3 of figure 3 or 162 of figure 13, and col. 11 lines 64-67 and col 16 lines 17-29, and) provide at the second end (figures 3 and 12) of the fiber optic cable (12,13 of figure 3 and col 19 lines 22-27) for illuminating an object is living body (202 of figure 1) and an eyepiece section (92 of figure 12) of the fiberscope (91 of figure 12) having an eyepiece lens (101 of figure 12), wherein the an eye piece section (92 of figure 12) of the fiberscope (91 of figure 12) connected to a second end (figures 3 and 12) of the fiber optic cable (12,13 of figure 3 and col.19 lines 22-27)

b. Applicant's remarks argues, in pages 4-6, that there is no suggestion to combine the references Hara et al, Lobb et al, and Tamburrino, the examiner recognize that obviousness can only be established by combining or modifying the teaching of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F. 2d 1071, 5 USPQ2d 1596 (Fed Cir. 1988) and In re Jones, 958 F 2d 347, 21 USPQ2d 1941 (fed. Cir. 1992).

For the reasons set forth above the arguments, it is believed that the rejection of the claims 1-20 under 35 U.S.C. 102 and 103 is proper.